

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
(Big Stone Gap Division)**

MELINDA SCOTT,

Plaintiff,

v.

WISE COUNTY DEPARTMENT OF
SOCIAL SERVICES, *et al.*,

Defendants.

Case No. 2:20-cv-00014-JPJ-PMS

**REPLY IN FURTHER SUPPORT OF
MOTION TO SET THE AMOUNT OF
THE APPEAL BOND**

NOW COMES Joshua Moon, by and through undersigned counsel, and states as follows:

- 1) To the extent that the Plaintiff requests a hearing on Defendant Moon's Motion, she has failed to comply with Local Civil Rule 11 (b) or the ordinary procedures for setting such a hearing. Moreover, the ostensible purpose of Plaintiff's request for a hearing is foreclosed by binding precedent. Ms. Scott alleges she wants to pry into the source of Mr. Moon's funds paid to his attorney, which she apparently believes is a form of crowdfunding. However, "an injured person may recover in full from a wrongdoer regardless of any compensation he may receive from a collateral source." *Rayfield v. Lawrence*, 253 F.2d 209, 213 (4th Cir. 1958).
- 2) Because Ms. Scott has set forth a facially invalid reason for her request for a hearing, her motion for a hearing should be denied. "[T]he application of the local rules is within the discretion of the Court." *Michael v. Sentara Health System*, 939 F.Supp. 1220, 1225, n.3 (E.D. Va. 1996). Fed. R. Civ. P. 78 (b) empowers this Court, by order, to dispose of a motion without an oral hearing.

- 3) Given the current posture of this case, in order to contain costs, and in the interest of judicial economy, Mr. Moon elects not to further respond to Ms. Scott's other facially incorrect arguments.

WHEREFORE, Mr. Moon respectfully requests that this Court set the amount of an appeal bond expeditiously and without further hearings.

Respectfully submitted this the 14th day of October, 2021,

JOSHUA MOON

By Counsel:

/s/Matthew D. Hardin

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Certificate of Service

I hereby certify that I will file a true and correct copy of the foregoing document with the Court's CM/ECF system, which will electronically serve counsel of record. I have also deposited a true and correct copy of the foregoing document into the U.S. Mail, with First Class postage prepaid, directed to:

Melinda Scott
2014PMB87
Post Office Box 1133
Richmond, VA 23218

Dated: October 14, 2021

/s/Matthew D. Hardin

Matthew D. Hardin

Counsel for Joshua Moon